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June 21, 2011

VIA FACSIMILE AND ECF

The Honorable Karen Williams, USMJ
United States Courthouse
4th and Cooper Streets
Camden, NJ
856-757-6848

Re: Javier Alavez-Lopez, *et al.* v. South Jersey Sanitation Co., Inc., *et al.*
Docket No.: 1:10-CV-05647-NLH-KMW

Dear Judge Williams:

This Firm represents Plaintiffs' in the above-referenced matter.

I write to bring to Your Honor's attention the fact that Defendants in this matter have refused to provide discovery as directed by Your Honor during the Rule 16 conference held on May 6, 2011. As Your Honor may recall, the instant matter consists of a collective and class action filed on behalf of non-exempt employees (individuals who ride on the back of trash trucks and dump trash into the trucks) who worked/work for Defendants in excess of 40 hours per workweek yet who were/are not paid overtime compensation for this work. Per Your Honor's Scheduling Order of May 6, 2011, Plaintiffs' motion for preliminary class approval must be filed on or before July 18, 2011.

During the Rule 16 conference, Your Honor made it very clear (given the July 18th deadline for the filing of the motion for preliminary class approval) that Plaintiffs needed to serve related discovery requests by May 13th, and that Defendants needed to respond to same within 30 days. Your Honor further made it clear, when I raised a concern relating Defendants' willingness to be forthcoming with discovery responses, that Your Honor would not tolerate any shenanigans relating to Defendants' discovery responses.

On May 12, 2011, Plaintiffs served related (and straightforward) discovery requests on Defendants. Accordingly, Defendants' responses were due on or before June 13, 2011.

No response was received from Defendants by June 13th.

On June 15, 2011, I sent the following email to counsel for Defendants:

Plaintiffs' Discovery Demands (only 2 Interrogatories with related subparts, and only 10 Document Production Requests) were served on Defendants 34 days ago (35 days come Thursday). I also remind you that Judge Williams specifically said at the Rule 16 conference that she would not tolerate any shenanigans in Defendants' responses to Plaintiffs'



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Discovery Demands, given the short time frame within which Plaintiff must file a Motion for Class Certification.

If complete Responses are not received by this Firm by noon on Monday June 20th, this Firm will immediately contact Judge Williams and request that she hold a conference with all counsel present so that Defendants may explain to the Court why they are withholding Discovery needed so that Plaintiffs may prepare and file a Motion for Class Certification. Needless to say, Plaintiff will immediately file a Motion to Compel same and request attorneys fees for having to do so, once Judge Williams gives us permission to do so.

Nevertheless, now, more than one week after the original due date, Defendants have still not provided discovery nor have they provided a timeframe relating to when Plaintiffs will receive same. Plaintiffs will be significantly prejudiced, especially considering the upcoming motion for class certification, if Defendants continue to violate the rules of discovery.

Accordingly, Plaintiffs are requesting either a status conference (in short order) or, in the alternative, leave to file a motion to compel.

I thank the Court for its attention to this matter.

Very truly yours,

/s/Richard S. Swartz

Richard S. Swartz, Esq.
SWARTZ SWIDLER, LLC

CC: All Counsel (via ECF)